

House File 2124 - Introduced

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A BILL FOR

1 An Act relating to the regulation of confinement feeding
2 operations, including by providing for partially roofed
3 structures and prohibiting the construction, including
4 expansion, of structures, making penalties applicable, and
5 including effective date provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.102, subsection 15, Code 2024, is
2 amended to read as follows:

3 15. "*Confinement feeding operation*" means an animal feeding
4 operation in which animals are confined to areas which are
5 totally or partially roofed.

6 Sec. 2. NEW SECTION. 459.104 Moratorium — confinement
7 feeding operation structures.

8 1. Notwithstanding any provision of this chapter or any
9 other provision of law to the contrary, a person shall not
10 construct, including expand, a confinement feeding operation
11 structure.

12 2. Subsection 1 does not apply to a confinement feeding
13 operation structure that is part of a small animal feeding
14 operation.

15 3. This section does not prohibit a person from completing
16 construction, including expansion, of a confinement feeding
17 operation structure if, prior to the effective date of this
18 Act, the person has begun construction, including expansion,
19 of the confinement feeding operation structure as otherwise
20 allowed under this chapter.

21 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
22 importance, takes effect upon enactment.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 GENERAL. This bill amends Code chapter 459 (the "Animal
27 Agriculture Compliance Act") (Code section 459.101) which
28 regulates confinement feeding operations. The bill revises
29 the definition of a confinement feeding operation to include
30 an operation that is partially roofed (amended Code section
31 459.102(15)). An open feed lot is an animal feeding operation
32 that may be partially roofed (Code section 459A.102). The
33 bill also prohibits the construction, including expansion, of
34 a confinement feeding operation structure. Such a structure
35 includes a confinement building, a manure storage structure,

1 or an egg washwater structure. The bill provides an exception
2 that allows construction if the new structure is part of a
3 small animal feeding operation. The bill does not prohibit a
4 person from completing construction if the person had begun
5 construction prior to the effective date of the bill.

6 BACKGROUND — ENFORCEMENT AND APPLICABLE CIVIL PENALTIES.
7 Compliance with a statutory regulation under Code chapter 459
8 includes compliance with a rule adopted by the department of
9 natural resources (Code section 459.103). A person violating
10 air quality regulations under Code chapter 459, subchapter
11 II, is subject to an administrative assessment of a civil
12 penalty of up to \$10,000 (Code sections 459.602 and 455B.109).
13 A person violating a water quality regulation under Code
14 chapter 459, subchapter III, is subject to the administrative
15 assessment of a civil penalty of up to \$10,000 (Code sections
16 459.603 and 455B.109) or a judicially assessed civil penalty of
17 up to \$5,000 (Code sections 459.603 and 455B.191). A person
18 violating a provision regulating an open feed lot operation is
19 also subject to the judicially assessed civil penalty of up to
20 \$5,000 (Code sections 459A.502 and 455B.191).

21 EFFECTIVE DATE. The bill takes effect upon enactment.